

Serial No.: 10/519,716
Docket No.: 28957.0125

IN THE DRAWINGS:

Applicants have amended Figure 2 to illustrate axis 14. Corrected drawing sheets in compliance with 37 CFR 1.121(d) accompany this Amendment.

REMARKS

Claims 13-21 are now pending. Claims 1-12 have been cancelled without prejudice or disclaimer. New Claim 13 is most like old claim 1.

1. Applicants' have amended the specification at page 5, line 11, mooted the objection thereto.

2. Applicants' have corrected the drawings to illustrate axis 14, mooted the objection thereto.

3. Applicants' have cancelled claims 1-12, mooted the rejection under 35 U.S.C. §112 thereto.

4. Claims 1-3, 6, 9 and 10 were rejected under 35 U.S.C. §102(b) over Wey U.S. Patent 3,244,076.

Wey discloses an arrester device for pivotable components of a gun mounting. Wey's gun barrel 37 is pivotally attached to cupola 35 near the center of gun barrel 37. Further, Wey discloses only a single gun barrel 37. Thus, Wey does not disclose that an end of said launcher is pivotally attached to said cupola as claimed by applicants. Further, Wey does not disclose a launcher comprising at least two projectile launch tubes that are next to each other as claimed by applicants.

For all of the foregoing reasons, Wey does not disclose all elements of applicants' claimed invention, and therefore is not a proper basis for a §102(b) rejection thereof. Nor is there any disclosure or teaching in Wey that would have suggested applicants' claimed invention to one of ordinary skill in this art. Thus reconsideration and withdrawal of this rejection, and allowance of claims 1-3, 6, 9, and 10 are respectfully requested.

5. Claims 1-3, 6, 7, 9, and 10 were rejected under 35 U.S.C. §102(b) over Spiller U.S. Patent 480,215.

Spiller discloses a mortar carriage having a breach loaded barrel. Spiller's gun barrel is pivotally mounted near the middle of the gun barrel. Further, Spiller discloses only a single gun barrel. Thus, Spiller does not disclose that an end of said launcher is pivotally attached to said cupola as claimed by applicants. Further, Spiller does not disclose a launcher comprising at least two projectile launch tubes that are next to each other as claimed by applicants.

For all of the foregoing reasons, Spiller does not disclose all elements of applicants' claimed invention, and therefore is not a proper basis for a §102(b) rejection thereof. Nor is there any disclosure or teaching in Spiller that would have suggested applicants' claimed invention to one of ordinary skill in this art. Thus reconsideration and withdrawal of this rejection, and allowance of claims 1-3, 6, 7, 9, and 10 are respectfully requested.

6. Claims 1-3 and 6-8 were rejected under 35 U.S.C. §102(b) over Hochstetler U.S. Patent 2,382,225.

Hochstetler discloses a muzzle-loaded mortar type gun that includes a seat for a gunner.

Hochstetler's two gun barrels are not next to each other, but are separated by the width of the gunner chair to enable the gunner to sit between the two gun barrels. Thus, Hochstetler does not disclose a launcher comprising at least two projectile launch tubes that are next to each other as claimed by applicants.

For all of the foregoing reasons, Hochstetler does not disclose all elements of applicants' claimed invention, and therefore is not a proper basis for a §102(b) rejection thereof. Nor is there any disclosure or teaching in Hochstetler that would have suggested applicants' claimed invention to one of ordinary skill in this art. Thus reconsideration and withdrawal of this rejection, and allowance of claims 1-3 and 6-8 are respectfully requested.

7. Claims 1-12 were rejected under 35 U.S.C. §102(b) over Whinfield U.S. Patent 478,899.

Whinfield discloses a breach loaded gun barrel mounted on a carriage. Whinfield's gun barrel is pivotally mounted near the center of the gun barrel. In addition, Whinfield discloses only a single gun barrel. Thus, Whinfield does not disclose that an end of said launcher is pivotally attached to said cupola as claimed by applicants. Further, Whinfield does not disclose a launcher comprising at least two projectile launch tubes that are next to each other as claimed by applicants.

For all of the foregoing reasons, Whinfield does not disclose all elements of applicants'

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Docket No.: 28957.0125

claimed invention, and therefore is not a proper basis for a §102(b) rejection thereof. Nor is there any disclosure or teaching in Whinfield that would have suggested applicants' claimed invention to one of ordinary skill in this art. Thus reconsideration and withdrawal of this rejection, and allowance of claims 1-12 are respectfully requested.

Accordingly, the application is now in condition for allowance and a notice to that effect is respectfully requested. The Commissioner is hereby authorized to charge/credit any fee deficiencies or overpayments to Deposit Account No. 19-4293 (Order No. 28971.0125). If further amendments would place this application in even better condition for issue, the Examiner is invited to call applicants' undersigned attorney at the number listed below.

Respectfully submitted,

STEPTOE & JOHNSON



Roger W. Parkhurst, Reg. No. 25,177
Tyson Y. Winarski, Reg. No. 41,381

Date: March 28, 2006

STEPTOE & JOHNSON LLP
1330 Connecticut Avenue, NW
Washington, DC 20036
Tel: 202-429-3000
Fax: 202-429-3902
RWP/TYW:mnl

ANNOTATED DRAWING SHEET



1 / 3

FIG.1

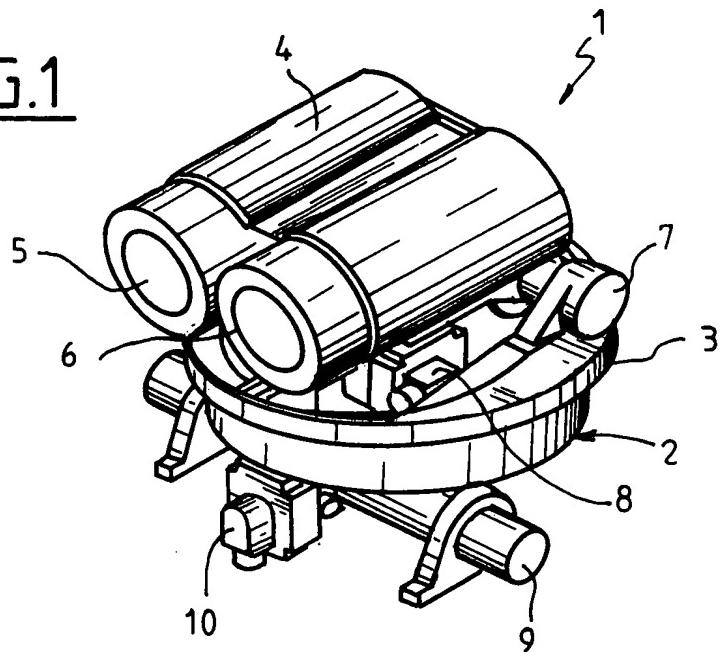


FIG. 2

